

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION**

**ERIC VON DRAKE**

**V.**

**UNITED STATES OF AMERICA**

§  
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§

**NO. 1:06-CV-226**

**ORDER ADOPTING  
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

The court referred this case to the Honorable Earl S. Hines, United States magistrate judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The court has received and considered the Report and Recommendation of the United States Magistrate Judge pursuant to such order, along with the record, pleadings and all available evidence.

The magistrate judge recommended that *pro se* plaintiff's action be dismissed for lack of subject matter jurisdiction. No objections have been filed.

The court has considered the magistrate judge's report and concludes that the findings of fact and conclusions of law of the magistrate judge are correct. Accordingly, the report of the magistrate judge is **ADOPTED**. It is therefore

**ORDERED** that plaintiff's action is **DISMISSED** for lack of subject matter jurisdiction.

It is further

**ORDERED** that the reference to the magistrate judge is **VACATED**.

The court will enter final judgment separately.

**SIGNED** this the **2** day of **June, 2006**.

A handwritten signature in black ink, appearing to read "Thad Heartfield", written over a horizontal line.

Thad Heartfield  
United States District Judge